TRIAL DEFENSE SERVICES

FIRST LIEUTENANT BRETT C. MINER

TRIAL DEFENSE SERVICES

MISSION

The mission of Defense Services is to protect the Constitutional and procedural rights of individual Marines and Sailors through quality legal representation

OVERVIEW

- DEFENSE SECTION PERSONNEL
- DEFENSE SERVICES PROVIDED
- PROCEDURES FOR COUNSELING
- LEGAL OFFICER MISSION (DEFENSE RELATED)
- CONTACT / HOURS OF OPERATION
- CONCLUSION

DEFENSE SECTION PERSONNEL

- LtCol Colby Vokey, Regional Defense Counsel, Camp Pendleton
- 1stLt Brett C.Miner, Senior Defense Counsel
  - x3489
- LCpl Gilberto Diaz, Defense Clerk
  - x3002/3636

DEFENSE SERVICES PROVIDED

Priority I Services

- SPECIAL AND GENERAL COURTS–MARTIAL REPRESENTATION
- ARTICLE 32, UCMJ, REPRESENTATION
- COUNSELING OF PRETRIAL CONFINEES

DEFENSE SERVICES PROVIDED

Priority II Services

- Administrative Proceedings where JA Representation is Required
  - BOI and Enlisted Separations
- General Counseling
  - NJP, Admin Separations
  - Summary Courts-Martial

DEFENSE SERVICES PROVIDED

- Article 138; claims against the government
- Fitness report rebuttals
- FFPBs
- Competency review boards
- Other admin processes affecting individuals

PROCEDURES FOR COUNSELING

- Detailing of Counsel and A/C relationship
  - General and Special Courts-Martial
- Walk-Ins and Appointments
  - NJP, Summary Courts, Involuntary AdSep
  - Rights advisement and Custodial interrogations
  - Procedural Rights of Marines
  - Items Required for Proper Counseling

LEGAL OFFICER MISSION

- Every Marine deserves his day in court.
- Does a Marine have to see all evidence?
  - Article 15 - Procedure (V-3 MCM 2002)
    - The Notice [to the Marine] Shall include "(3) A brief summary of the information upon which the allegations are based or a statement that the member may, upon request, examine available statements and evidence."
  - At the NJP before the CO (V-3 MCM 2002)
    - [the Marine shall] "(D) Be allowed to examine documents or physical objects against the member which the NJP authority has examined in the case and on which the NJP authority intends to rely in deciding whether and how much punishment to impose;"
- How could this affect processing time?
- Creating more work for everyone when the processing is slow or not done correctly.

CONTACT AND HOURS

- **Hours of Operation**
  - NJP/Adsep Counseling (Mon & Wed 0800)
  - Appointments depending on Counsel Availability (SNCOs and above)
- **Phone Numbers**
  - Defense Section Clerk – x3002/3636
  - Senior Defense Counsel – x3489
  - Law Center Main Number – x2890
  - Outlook

Conclusion

- Defense protects all of our rights.
- Processing important to each individual Marine (not routine to them).
- Expeditious Processing beneficial to everyone (Marine / Command / JAs / LOs)
- Point of contact for processing questions is not defense.
- Refer Marines to Defense for counseling.